

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

The General Land Office of the State of)
Texas, and George P. Bush, *in his official*)
capacity as Commissioner of the Texas)
General Land Office,)
Plaintiffs,)
v.)
Joseph R. Biden, *in his official capacity as*)
President of the United States of America;)
United States Dept. of Homeland)
Security; and Alejandro Mayorkas, *in his*)
official capacity as Secretary of the United)
States Dept. of Homeland Security,)
Defendants.)
-----)
The State of Missouri; and the State of)
Texas,)
Plaintiffs,)
v.)
Joseph R. Biden, *in his official capacity as*)
President of the United States of America;)
The United States of America; Alejandro)
Mayorkas, *in his official capacity as*)
Secretary of the United States Dept. of)
Homeland Security; United States Dept. of)
*Homeland Security; Troy Miller, *in his**)
official capacity as Acting Commissioner of)
the United States Border Protection; and)
United States Customs and Border)
Protection,)
Defendants.

Randy Kinder Excavating, Inc., *doing business as* RKE Contractors, Plaintiff-Intervenor, v. Joseph R. Biden, *in his official capacity as President of the United States of America;* The United States of America; Alejandro Mayorkas, *in his official capacity as Secretary of the United States Dept. of Homeland Security;* United States Dept. of Homeland Security; Troy Miller, *in his official capacity as Acting Commissioner of the United States Border Protection;* and United States Customs and Border Protection, Defendants.) Civil Action No.: _____

NOTICE OF APPEAL

Randy Kinder Excavating, Inc., doing business as RKE Contractors, hereby gives notice of its appeal to the United States Court of Appeals for the Fifth Circuit from the Order entered by the District Court on May 29, 2024. (See Doc. 207, attached as Exhibit A.)

Respectfully submitted, this 28th day of June, 2024.

**RANDY KINDER EXCAVATING, INC.
doing business as RKE CONTRACTORS**

/s/R. Sumner Fortenberry
Scott Burnett Smith (Attorney-in-Charge)
Texas State Bar No. 24119040
Southern District of Texas Bar No. 2923954
Aron C. Beezley (*pro hac vice*)
D.C. Bar No. 1004904
Colorado Bar No. 40675

R. Sumner Fortenberry (*pro hac vice*)
Mississippi Bar No. 106292

OF COUNSEL:

Bradley Arant Boult Cummings LLP
200 Clinton Avenue W Suite 900
Huntsville, AL 35801
Telephone: (256) 517-5100
Facsimile: (256) 517-5200
ssmith@bradley.com

Bradley Arant Boult Cummings LLP
1615 L Street NW, Ste 1350
Washington, DC 20036
Telephone: (202) 393-7150
Facsimile: (202) 347-1684
abeesley@bradley.com

Bradley Arant Boult Cummings LLP
One Jackson Place
188 E Capitol Street, Ste 1000
Jackson, MS 39201
Telephone: (601) 948-8000
Facsimile: (601) 948-3000
sfortenberry@bradley.com

CERTIFICATE OF SERVICE

I certify that on June 28, 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, all consistent with Federal Rule of Civil Procedure 5(b).

/s/R. Sumner Fortenberry